

CHAPTER NO. 411

SENATE BILL NO. 1583

By Norris

Substituted for: House Bill No. 403

By Sargent, Gresham, Bowers

AN ACT to amend Tennessee Code Annotated, Title 6, Chapter 51, Part 1, relative to notice to the county mayor of an annexation and plan of services and the provision of a plan of services for areas annexed by referendum.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 6-51-102(a)(1), is amended by adding the following language at the end of the subdivision:

During this thirty (30) day period, the municipality shall notify the county mayor in whose county the territory being annexed is located that territory located in the unincorporated part of the county is being annexed by the municipality. The notification shall include a copy of the annexation ordinance and a map of the area being annexed.

SECTION 2. Tennessee Code Annotated, Section 6-51-102(b)(1), is amended by deleting the first sentence and substituting the following language:

Before any territory may be annexed under this section, the governing body of the municipality shall adopt a plan of services establishing at least the services to be delivered and the projected timing of the services. Upon adoption of the plan of services, the municipality shall cause a copy of the plan of services to be forwarded to the county mayor in whose county the territory being annexed is located.

SECTION 3. Tennessee Code Annotated, Title 6, Chapter 51, Part 1, is amended by adding the following language as a new section:

6-51-119.

(a) The legislative body of an annexing municipality or its designee shall provide a copy of the annexation ordinance, along with a copy of the portion of the plan of services dealing with emergency services and a detailed map designating the annexed area, to any affected emergency communications district upon final passage of the ordinance. The map shall identify all public and private streets in the area to be annexed, including street names and direction indicators. The map shall include or have appended a list of address ranges for each street to be annexed. For contested annexation ordinances, in cases in which the municipality plans to begin providing emergency services in the annexed territory immediately, the municipality shall notify the district when the annexation becomes final. Compliance or noncompliance with this section is not admissible against the municipality in any case brought under Title 6 or Title 29, Chapter 14, or against the municipality or any affected emergency communications district under Title 29, Chapter 20.

(b) The municipality shall provide the information required in subsection (a) to an affected district by certified return receipt mail or other method that assures receipt by the district.

SECTION 4. Tennessee Code Annotated, Section 6-51-103, is amended by adding the following as a new subsection:

() When a final judgment is rendered in a quo warranto suit contesting a proposed annexation, the municipality shall notify the county mayor of the outcome of the litigation so the county may keep abreast of the status of a pending annexation. Similarly, when a municipality files an appeal of a decision in a quo warranto suit, the municipality shall notify the county mayor of the pending appeal.

SECTION 5. Tennessee Code Annotated, Section 6-51-104(b), is amended by adding the following language at the end of the subsection:

The resolution shall also include a plan of services for the area proposed for annexation. The plan of services shall address the same services and timing of services as required in § 6-51-102. Upon adoption of the plan of services, the municipality shall cause a copy of the resolution to be forwarded to the county mayor in whose county the territory being annexed is located.

SECTION 6. Tennessee Code Annotated, Section 6-51-105(d), is amended by adding the following language at the end of the subsection:

Upon receiving the certification from the county election commission, the municipality shall forward a copy of the certification to the county mayor in whose county the territory being annexed is located.

SECTION 7. Tennessee Code Annotated, Section 6-51-102, is amended by adding the following language as a new subsection:

() After receiving the notice from the municipality as provided in subsection (a)(1) or (b)(1), the county mayor shall notify the appropriate departments within the county regarding the information received from the municipality.


SECTION 8. Tennessee Code Annotated, Section 6-51-104(b), is amended by designating the existing language as subdivision (1) and adding the following as subdivision (2):

(2) After receiving the notice from the municipality as provided in subdivision (1), the county mayor shall notify the appropriate departments within the county regarding the information received from the municipality.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 26, 2005


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 17th day of June 2005


PHIL BREDESEN, GOVERNOR